

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

2014 DEC 19 AM 8:56

UNITED STATES OF AMERICA

V.

WILLIAM F. McCRAY (1)

AMENDED JUDGMENT AFTER REMAND

(For Offenses Committed On or After November 1, 1987)

Case Number: 00CR2580 MMA

DOUG KELLER, FEDERAL DEFENDERS INC.

Defendant's Attorney

REGISTRATION NO. 30462198

- ☐ Correction of Sentence on Remand (Fed. R. Crim. P. 35); Previously Imposed Sentence as to counts 23 and 24 are Set Aside and Vacated.
☒ Correction of Restitution for Clerical Mistake (Fed. R. Crim. P. 36).

THE DEFENDANT:

☐ pleaded guilty to count(s)☒ was found guilty on count(s) 2-5, 7-11, 13-22, 25-29 and 31 of the Indictment

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Number(s)</u>
18 USC 1341	MAIL FRAUD	2-5, 7-11
18 USC 1343	WIRE FRAUD	13-18
18 USC 1623	PERJURY	19-22
18 USC 1957	MONEY LAUNDERING	25-27
18 USC 371	CONSPIRACY	28
26 USC 7206(1)	FILING FALSE TAX RETURN	29, 31

The defendant is sentenced as provided in pages 2 through 5 of this judgment.

The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☒ Count(s) Remaining is dismissed on the motion of the United States.

☒ Assessment : \$2,500.00 payable forthwith or through the inmate financial responsibility program at the greater rate of 50 percent defendant's income or \$25 per quarter that the remaining thereafter to be collected by the United States in accordance with law.

☒ No fine ☐ Forfeiture pursuant to order filed, included herein.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

December 15, 2014

Date of Imposition of Sentence

HON. MICHAEL M. ANELLO

UNITED STATES DISTRICT JUDGE

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AO 245B (CASD Rev. 08/13) Judgment in a Criminal Case

DEFENDANT: WILLIAM F. McCRAY (1)
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of:
TIME SERVED

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ A.M. on _____
- ☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ on or before
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
THREE (3) YEARS AS TO COUNTS 2-5, 7-11, 13-22, 25-28 AND ONE (1) YEAR AS TO COUNTS 29, 31, TO RUN CONCURRENT FOR A TOTAL OF THREE (3) YEARS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons unless removed from the United States.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000, pursuant to 18 USC section 3583(a)(7) and 3583(d).
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check if applicable.)*

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. Not possess firearms, explosive device or other dangerous weapon.
2. Report vehicles owned or operated, or in which you have an interest, to the probation officer.
3. Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer.
4. Submit to a search of person, property, residence, abode or vehicles, at a reasonable time and in a reasonable manner, by the probation officer.
5. Not enter the Republic of Mexico and not leave the continental United States without written permission the Court or probation officer.
6. Notify the trustee appointed in bankruptcy proceedings in re: International Forex of California Corporation, d/b/a International Forex Limited, 99-08078-87-A7 in the United States Bankruptcy Court for the Southern District of California and the United States Probation Office of any interest in property obtained directly or indirectly including any interest obtained in any other name or entity including a trust partnership or corporation until fine or restitution or special assessment order is paid in full.
7. Not engage in employment or profession of foreign currency trading or any position involving fiduciary responsibilities or the solicitation of funds from investors.
8. Provide complete disclosure of personal and business financial records to the probation officer as requested.
9. Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
10. Notify the trustee appointed in bankruptcy proceedings in re: International Forex of California Incorporated and the United States Probation Office before you transfer any interest in any property owned directly or indirectly by yourself.
11. Pay federal taxes.

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RESTITUTION

The defendant shall pay restitution in the amount of 12,228,170.12 unto the United States of America.

This sum shall be paid as follows:

Restitution shall be paid in the amount of \$11,680,886.85 through the Trustee appointed in bankruptcy proceedings in re: International Forex of California, Inc. a California Corporation d/b/a International Forex, Ltd., 99-08078-A7, in the United States Bankruptcy Court for the Southern District of California, to the persons and in the amounts specified by the trustee or the bankruptcy court, payable forthwith or through the Inmate Financial Responsibility Program during the period of incarceration, with the payment of any remaining balance to be made following the defendant's release from prison. Distribution of restitution to the victims is to be on a pro rata basis. The restitution liability will be jointly and severally with codefendant.

Restitution shall be paid in the amount of \$547,283.27 to

IRS RACS
Attn: Mail Stop 6261, Restitution
333 W. Pershing Ave.
Kansas City, MO 64108

Restitution will be paid \$200.00 or more per month commencing the first of the month following William McCray's release from prison, continuing on or before the first of the month thereafter until paid in full or until there is further order of modification by the Court.

The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

If the restitution is not paid, the Court may sentence the defendant to any sentence which might have been originally imposed. See 18 USC 3614.